

IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claims 8-15, 22-28, and 36-38 without prejudice to or disclaimer of the subject matter recited therein, AMEND claims 1, 2, 5-7, 16, 19-21, 29-34 and ADD new claims 39-43 in accordance with the following:

1. (Currently Amended) A recording medium, comprising:
a spare area storing a replacement area that is a substitute for a defective area of the recording medium; and
a temporary defect management area storing temporary management information identifying the defective area and the replacement area,
wherein position information ~~and state information~~ regarding the defective area ~~are~~is recorded in the replacement area.
2. (Currently Amended) The recording medium of claim 1, wherein the temporary management information is updated in the temporary defect management area every recording operation or in response to a predetermined number of recording operations.
3. (Original) The recording medium of claim 2, further comprising a defect management area (DMA) in which temporary management information lastly updated in the temporary defect management area is recorded.
4. (Original) The recording medium of claim 3, wherein the DMA is in at least one of a lead-in area and a lead-out area of the recording medium.
5. (Currently Amended) The recording medium of claim 1, wherein ~~the state information regarding the defective area is recorded in the replacement area~~temporary defect management area is in at least one of the lead-in area and the lead-out area.
6. (Currently Amended) The recording medium of claim ~~4~~5, wherein the position information and state information regarding the defective area are error-correction code (ECC) encoded during ECC encoding of data recorded in the replacement area.
7. (Currently Amended) The recording medium of claim ~~4~~5, wherein ECC encoded

data and the position information and state information are recorded in the replacement area.

Claims 8-15 (CANCELED)

16. (Currently Amended) An apparatus, comprising:

a recording/reading unit recording and/or reading data to and/or from with respect to a recording medium; and

a controller controlling the recording/reading unit to recording of record data to a replacement area, for a defective area of the recording medium, in a spare area of the recording medium, ~~the recording/reading unit to record temporary management information identifying the defective area and the replacement area in a temporary defect management area, and controlling the recording/reading unit to record position information and state information~~ regarding the defective area in the replacement area.

17. (Original) The apparatus of claim 16, wherein the controller controls the recording/reading unit to record the temporary management information in the temporary defect management area formed in at least one of a lead-in area and a lead-out area of the recording medium.

18. (Original) The apparatus of claim 16, wherein the controller controls the recording/reading unit to record temporary management information lastly recorded in the temporary defect management area in a defect management area (DMA), during a finalizing of the recording medium.

19. (Currently Amended) The apparatus of claim 16, wherein the controller controls the recording/reading unit to record state information regarding the defective area in the replacement area~~temporary management information lastly recorded in the temporary defect management area in a defect management area (DMA) in at least one of the lead-in area and the lead-out area.~~

20. (Currently Amended) The apparatus of claim ~~16~~19, wherein the controller controls the recording/reading unit to ECC encode the position information and the state information with data to be recorded in the replacement area.

21. (Currently Amended) The apparatus of claim ~~16~~19, wherein the controller controls the recording/reading unit to record the position information and state information and ECC encoded data in the replacement area.

Claims 22-28 (CANCELED)

29. (Currently Amended) An apparatus, comprising:
a recording/reading unit recording and/or reading data to and/or from with respect to a recording medium; and
a controller determining whether defect management of the recording medium ~~defect management has previously~~ has been successfully completed, controlling the recording/reading unit to ~~record lastly recorded defect~~ read information regarding a defective area of the recording medium from a replacement area of the recording medium, and ~~generate new~~ generating defect information ~~when the recording medium defect management is determined to not have previously been successfully completed, and controlling the recording/reading unit to update a defect management area (DMA) of the recording medium, based on the generated defect information~~ of the recording medium based on the information of the replacement area.

30. (Currently Amended) The apparatus of claim 29, wherein the controller controls ~~the~~ reading of a consistency flag from the recording medium and determines whether the defect management of the recording medium ~~defect management~~ has been successfully completed ~~on~~ the recording medium based on the consistency flag.

31. (Currently Amended) The apparatus of claim 29, wherein the controller controls ~~the~~ reading of position information regarding the defective area from the replacement area and generates the ~~new~~ defect information.

32. (Currently Amended) The apparatus of claim 29, wherein the controller ~~reads~~ controls reading of state information regarding the ~~defect~~ defective area from the replacement area and generates the ~~new~~ defect information.

33. (Currently Amended) The apparatus of claim 29, wherein the controller creates the ~~new~~ defect information based on previous defect information of the recording medium and the ~~read~~ defect information of the replacement area.

34. (Currently Amended) An apparatus, comprising:
a pickup recording and/or reading data to and/or from with respect to a recording medium; and
a controller ~~controlling the pickup to record and/or read data to determine~~ determining whether defect management of the recording medium ~~defect management has previously~~ has been successfully completed, and ~~scanning~~ controlling the pickup to scan a portion of the recording medium purportedly containing no recorded data, as identified in a lastly recorded spare bit map (SBM) on the recording medium, in order to verify whether data is recorded in the portion ~~when the recording medium defect management is determined to not~~

~~have previously been successfully completed~~, and updating the SBM to ~~precisely~~ reflect the recording state of the recording medium based on the verification of the portion of the recording medium.

35. (Original) The apparatus of claim 34, wherein the controller controls the recording of the updated SBM as temporary management information in a temporary defect management area of the recording medium.

Claims 36-38 (CANCELED)

39. (New) The recording medium of claim 1, wherein the temporary defect management area is in at least one of the lead-in area and the lead-out area.

40. (New) The apparatus of claim 16, wherein the controller controls the recording/reading unit to record temporary management information lastly recorded in the temporary defect management area in a defect management area (DMA) in at least one of the lead-in area and the lead-out area.

41. (New) The apparatus of claim 29, wherein the controller controls the recording/reading unit to update a defect management area of the recording medium based on the generated defect information.

42. (New) An apparatus, comprising:
a recording/reading unit recording and/or reading data with respect to a recording medium; and

a controller controlling the recording/reading unit to read information regarding a defective area of the recording medium from a replacement area of the recording medium, the replacement area including position information regarding the defective area, and generating temporary defect information based on previous temporary defect information of the recording medium and the information read from the replacement area of the recording medium.

43. (New) The apparatus of claim 42, wherein the controller generates a defect list based on the information read from the replacement area, and rebuilds the temporary defect information based on the previous temporary defect information and the defect list.